

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-----------------------------------|---|-----------------------------|
| LG.PHILIPS LCD CO., LTD, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Civil Action No. 06-726-JJF |
| | : | |
| CHI MEI OPTOELECTRONICS, | : | |
| CORPORATION, AU OPTRONICS | : | |
| CORPORATION, AU OPTRONICS | : | |
| CORPORATION AMERICA, and CHI MEI | : | |
| OPTOELECTRONICS USA, INC. | : | |
| | : | |
| Defendants. | : | |
| | : | |
| <hr/> | | |
| AU OPTRONICS CORPORATION, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Civil Action No. 07-357-JJF |
| | : | |
| | : | CONSOLIDATED CASES |
| LG.PHILIPS LCD. CO., LTD, and | : | |
| LG.PHILIPS LCD AMERICA, INC., | : | |
| | : | |
| Defendants. | : | |
| | : | |
| <hr/> | | |
| LG.PHILIPS LCD. CO., LTD, and | : | |
| LG.PHILIPS LCD AMERICA, INC., | : | |
| | : | |
| Counterclaim-Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| AU OPTRONICS CORPORATION, et al., | : | |
| | : | |
| Counterclaim-Defendants. | : | |
| | : | |
| <hr/> | | |

O R D E R

WHEREAS, on August 22, 2007, Defendants, Chi Mei Optoelectronics USA, Inc. ("CMO USA") filed a Motion to Dismiss and/or Strike LG.Philips LCD Co., LTD's Additional Counterclaims

(D.I. 132);

WHEREAS, by its Motion, CMO USA requests the Court to dismiss and/or strike LG.Philips LCD Co., LTD ("LPL")'s "Additional Counterclaims" (D.I. 124) filed against CMO USA on August 8, 2007. CMO USA contends that LPL improperly asserted permissive additional counterclaims against CMO USA in its reply to Plaintiffs AU Optronics Corp. and AU Optronics Corp., America's Amended Answer and Counterclaims;

WHEREAS, in response, LPL contends that, pursuant to Federal Rule of Civil Procedure 7, a reply to a counterclaim is a permitted pleading, pursuant to Federal Rules of Civil Procedure 13(a), 13(b) and 13(h), counterclaims may be asserted in a pleading against third parties;

WHEREAS, the Court construes Federal Rules of Civil Procedure 13(a), 13(b) and 13(h) liberally in order to avoid multiplicity of lawsuits and to foster judicial economy, and concludes that granting CMO USA's request is not warranted at this juncture;

NOW THEREFORE, IT IS HEREBY ORDERED that CMO USA's Motion to Dismiss and/or Strike LG.Philips LCD Co., LTD's Additional Counterclaims (D.I. 132) is DENIED without prejudice.

February 21, 2008


UNITED STATES DISTRICT JUDGE